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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE FLASH MEMORY ANTITRUST
LITIGATION

Master File No. C-07-00086 SBA

This Document Relates to:

ALL INDIRECT PURCHASER ACTIONS

**DECLARATION OF CHRISTOPHER
BESSETTE IN SUPPORT OF MOTION
TO DISMISS CLAIMS OF
CHRISTOPHER BESSETTE
WITHOUT PREJUDICE**

Date: October 20, 2009
Time: 1:00 p.m.
Location: Courtroom 3, 3rd Floor
Before: Hon. Sandra B. Armstrong

DECLARATION OF CHRISTOPHER BESSETTE IN SUPPORT OF
MOTION TO DISMISS CLAIMS OF CHRISTOPHER BESSETTE WITHOUT PREJUDICE

1 I, Christopher Bessette, declare:

2 1. I am a plaintiff in the consolidated antitrust class action against the makers and
3 sellers of NAND Flash Memory on behalf of Indirect Purchasers. I make this declaration in
4 support of the Motion To Dismiss Claims Of Christopher Bessette Without Prejudice. I have
5 personal knowledge of the facts stated herein and could competently testify to them if called as a
6 witness.

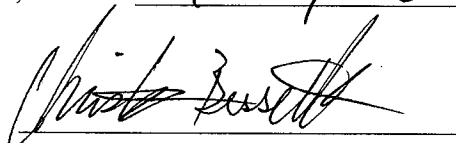
7 2. In June 2007, I purchased a Video Game Console, X Box 360 from K-Mart.

8 3. I am informed and believe that the X Box 360 I purchased is not among the
9 NAND Flash Memory products at issue in the class definition proposed in the Indirect-Purchaser
10 Plaintiffs' July 23, 2009 motion for class certification.

11 4. I do not believe I am a member of the proposed Indirect-Purchaser Plaintiff class
12 identified in the July 23, 2009 motion. I do not believe I purchased any of the NAND Flash
13 Memory products identified in the class definition. I am informed and believe that I have not
14 been and will not be proffered as a class representative in the Indirect-Purchaser Plaintiff case. I
15 therefore ask that my claims be dismissed without prejudice.

16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on this 13 day of August, 2009 in Rapid City SD.

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20 Christopher Bessette